

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 2

25X1 [REDACTED] SECRET

25X1 4. [REDACTED] Kempton Jenkins, Deputy Assistant Secretary, Congressional Relations, Department of State, returned my call of yesterday and I explained to him the problem of section 28 to the Foreign Assistance Authorization bill, S. 3394, on limitation on expenditures in Laos, and what would appear to be a simple solution of incorporation similar to that which was used in the conference report in connection with a similar provision in previous Defense Procurement Authorization bills. It was agreed that I would send him the relevant material so he could evaluate whether State would have any problem making the necessary representation to Chairman Thomas Morgan and Representative Peter Frelinghuysen, House Foreign Affairs Committee.

Jenkins said he was reviewing the check list on the State Authorization bill prior to a session with Chairman Wayne Hays (D., Ohio) and asked if I could review with him our work with the Foreign Affairs Committee and Representative Hays on this provision, which I did. Jenkins is fearful that this work may be undone in the wake of the revelations on Chile.

25X1 5. [REDACTED] Charles Meissner, Professional Staff Member, Subcommittee on Multinational Corporations, Senate Foreign Relations Committee, called. We tentatively set up a briefing on the international oil problem for Senator Charles H. Percy's (R., Ill.) Committee and personal office staff, on an unclassified level, for 8 October at 2:30 p.m. Meissner will call us early next week and let us know where we will meet. Scott Cohen, Executive Assistant to Senator Percy, will be in attendance unless he is in New York with the Senator on U.N. delegation business.

25X1 6. [REDACTED] Called Bud McFarlane, NSC, concerning the Hughes amendment to the Foreign Assistance Authorization bill, S. 3394, which may be taken up today, which would prohibit covert actions except upon a finding in a report to oversight committees by the President. I told McFarlane we were busy pulling together background material and possible arguments for our Senate committees; that there was a certain appeal to the proposition since it paralleled actual practices and commitments by the Administration but that on the larger questions concerning the encroachment upon the President's constitutional authority, there is a need for some guides, particularly in light of the current atmosphere of conciliation. McFarlane had not heard of the amendment and said he would get it to Scowcroft's attention and let us know the results.

25X1 [REDACTED] SECRET

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 3

SECRET

25X1 [redacted]
25X1 7. [redacted] Clark McFadden, General Counsel, Senate Armed Services Committee, returned my earlier call and we discussed the impact and ramifications of the Hughes amendment concerning covert action which McFadden felt can be best opposed on judicial grounds. We agreed that it closely paralleled current practices, the Stennis and Nedzi bills, the President's 16 September press release statement, and the commitment by the Secretary of State and the Director to provide such information to the Foreign Affairs Committee. I pointed out that the term national defense in the amendment as a word of art may be too narrow, and either vital interests or national security would be better, but that the major problem really was the constitutional issue of encroachment upon Presidential authority. McFadden said that would be a tough one to argue in the current climate and I told him we would try to have some material up to him before the amendment reached the floor. He said he would appreciate that.

25X1A
25X1 25X1A 8. [redacted] OGC, called to advise that [redacted], had sat in on the McClellan Subcommittee on the Nelson bill, S. 2820 (electronic surveillance) and that the Attorney General had opposed the legislation and its encroachment upon the constitutional authority of the President. Senators John L. McClellan (D., Ark.) and Roman L. Hruska (R., Neb.) were in attendance. Apparently, Senator McClellan was so strongly opposed to the legislation and supportive of the Attorney General's position, that [redacted] characterized his conduct as "emotional."

25X1 25X1A 9. [redacted] Called Guy McConnell, Professional Staff Member, Senate Appropriations Committee, and gave him a fill-in on the considerations relating to the Hughes amendment which he called to our attention late yesterday afternoon, and also reported the tentative conclusions Mr. Cary had reached with Ed Braswell, Chief Counsel, Senate Armed Services Committee. I told McConnell that we were dispatching to him the relevant information which I had been discussing with him, and he said he appreciated that.

25X1 [redacted] SECRET

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 4

SECRET

25X1 [REDACTED]

25X1 10. [REDACTED] Returned the call of John Ryan, in the office of Senator Roman L. Hruska (R., Neb.), and in his absence spoke to Eric Holton, who wanted to know our position on the Hughes amendment to S. 3394, the Foreign Assistance Authorization bill. The amendment would restrict Agency covert action. I told Holton that we had two major concerns with the amendment. First, we thought the term national defense was too restrictive and would prefer national security and second, we thought there might be constitutional problems in limiting the President's freedom of action in the foreign policy field. I told him that the constitutional argument was one the White House would more properly carry than us. He offered to get this information to Ryan who was then on the Senate floor.

25X1 11. [REDACTED] Met with Guy McConnell, Senate Appropriations Committee staff, and gave him a copy of the IC's undated paper, "National Foreign Intelligence Program Summary of Congressional Action."

25X1

25X1 12. [REDACTED] Accompanied [REDACTED] Chief, Southern Europe, OCI, to a meeting with Dorothy Fosdick and Richard Perle, Permanent Subcommittee on Investigations staff, Senate Government Operations Committee, on the current situation in Portugal and the developments that led to the change in government last Monday. We were joined for the last few minutes by Senator Henry M. Jackson (D., Wash.). It is noted that the Senator and his staff had considerable detail about the events in Portugal which were very accurate. The meeting was most cordial. There are no follow ups.

25X1 13. [REDACTED] Delivered to William J. Van Ness, Chief Counsel, Senate Committee on Interior and Insular Affairs, the requested information for Ben Cooper of the Committee staff on Western Europe, Japanese, and U.S. oil production.

25X1 25X1A 14. [REDACTED] Accompanied [REDACTED] OER, to a meeting with Senator Henry M. Jackson (D., Wash.) and William J. Van Ness, Chief Counsel, Senate Committee on Interior and Insular Affairs, on OPEC pricing policies and related matters. Certain statistics requested by the Senator and Van Ness will be provided tomorrow. It is noted that 25X1A Senator Jackson related some of his conversations with Chinese officials on oil matters. See [REDACTED] Memorandum for the Record.

25X1 [REDACTED]

SECRET

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 5

SECRET

25X1 [REDACTED]
25X1 15. [REDACTED] Had lunch with Ed Braswell, Chief Counsel, Senate Armed Services Committee, and covered a number of items with him. I talked with him about the Educational Aid Fund's campaign for contributions conducted in past years and told him that, since contacts were made with a number of corporations on a recent review, the Director had decided to terminate such outside campaigns and finance the fund solely from internal contributions. Braswell had no difficulty with this.

25X1 I briefed Braswell on our dealings with the Senate Internal Security Subcommittee on the [REDACTED] and on the Subcommittee's desire to talk with some of our people about the relationship which exists between the Soviet intelligence service and the DGI of Cuba. I explained there was some merit in this from our standpoint in view of the past and expected publicity

25X1 [REDACTED] Braswell foresaw no problem in our having some-body brief the Subcommittee staff.

I asked Braswell about General Wilson's promotion. He said it was scheduled to be taken up by the Committee on Monday and he anticipated no problems. I told Braswell that General Wilson was indeed Bill Colby's personal choice to replace General Graham and he could assure the Committee members of this.

Following lunch Braswell and I went to his office where we were joined by Clark McFadden, General Counsel for the Committee, and we discussed strategy for dealing with the Abourezk and Hughes amendments to the Foreign Aid bill.

I stayed with McFadden during the floor debate on these measures and provided him with information which our members could use in coping with these problems. Abourezk's amendments with respect to police contacts and covert activities were convincingly defeated. A very mild amendment submitted by Senator Hughes was further modified on the Senate floor in a conference between Senators Hughes, Humphrey, and Stennis and was subsequently accepted on a voice vote. Later in the day the Foreign Aid bill was recommitted to the Foreign Relations Committee for further study and it is not anticipated that further action will be taken on it until after the election recess.

25X1 [REDACTED]
SECRET

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 6

SECRET

25X1

25X1A

[REDACTED]

16. [REDACTED] and I met with Marian Czarnecki, Chief of Staff, House Foreign Affairs Committee, and covered a number of items with him. Czarnecki verified my understanding of the agreement which was reached last Wednesday at the meeting attended by Secretary Kissinger, the Director, and Representatives Hebert, Nedzi, Arends, Morgan and Frelinghuysen with respect to briefings of appropriate Foreign Affairs Committee representatives on covert action programs which might have an impact on foreign policy matters. Czarnecki expressed considerable concern over the disclosures attributed to Representative Nedzi in this meeting in Laurence Stern's column in the Washington Post this morning. I told Czarnecki I could only speculate that Stern had confronted Nedzi with information on this meeting which he had obtained from other sources.

I mentioned to Czarnecki the action taken on the Senate floor on the Foreign Aid bill today in accepting the Hughes amendment. He showed us four different variations of amendments which have been submitted for the Foreign Affairs Committee's consideration of the Aid bill and asked my opinion on the acceptability of these measures to the Agency. I told Czarnecki that I could not comment formally on these since I was quite certain the Administration would oppose the enactment of any such arrangement into law, pointing out that it could raise constitutional issues. I did say, however, that as a personal matter I thought the amendment agreed to in the Senate was much better from the Agency's standpoint than any of the four which had been submitted to his Committee.

Czarnecki showed me a letter Chairman Morgan has received from Representative Diggs, Chairman of the Subcommittee on Africa. In his letter Diggs states his desire to have a briefing from the Director [REDACTED] including not only an intelligence briefing but also Agency operations there. I told Czarnecki I was sure the Director would have no objection to giving Mr. Diggs' Subcommittee an intelligence briefing but he would not go into intelligence operations with that group. Czarnecki said he expected that would be our position. He said he would be talking further with the Chairman about this.

I told Czarnecki that we had been considering Representative Fascell's request that we "sanitize" the Director's briefing of the Western Hemisphere Affairs Subcommittee, Senate Foreign Relations Committee, on Chile. I told Czarnecki this briefing was given with a definite understanding that it would be in executive session and it was our opinion that it would remain so. I said I thought that publication of any part of that transcript would create problems for us and also have diplomatic repercussions of concern to the State Department. Czarnecki said he thought we were on solid ground in stating our understanding of the ground rules under which the briefing was given and refusing to sanitize the transcript. He said he was sure we would get screams from Fascell however because Fascell is under considerable pressure (I assume from Representative Harrington).

SECRET

25X1

[REDACTED]

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 7

SECRET

25X1 [redacted]
25X1 17. [redacted] Met with Guy McConnell, Senate Appropriations Committee staff, and reviewed with him the Director's decision to terminate any contacts with U.S. business as part of the Educational Aid Fund promotion and told him of our plans to have someone brief the Senate Internal Security Subcommittee staff on the influence which Soviet intelligence has on the Cuban DGI. McConnell had no problems with either of these items.

I briefed McConnell on the action that was taken on the Senate floor on the Abourezk and Hughes amendments.

I talked further with McConnell about our plans to include a line item in our FY 1974 budget for representational expenses.

25X1 18. [redacted] Met with Scott Cohen, Executive Assistant to Senator Charles H. Percy (R., Ill.). Cohen noted that with regard to our conversation of last week with Glenn Reed for information concerning Middle East oil prices, etc., that he (Cohen) has identified Reed as a volunteer, part-time intern for the Senate Foreign Relations Committee. As for yesterday's request from Charles F. Meissner, who is Senator Percy's staff man on the Subcommittee on Multinational Corporations, Senate Foreign Relations Committee, Cohen suggested that I might want to talk to Meissner. Meissner's request is one that was made on his own and did not come from Senator Percy.

STATSPEC
25X1 19. [redacted] Winslow Wheeler, on the staff of
STATSPEC Senator Jacob K. Javits (R., N.Y.), called to cancel a request that he had made for [redacted]
[redacted]

25X1 20. [redacted] Mailed a copy of Mr. Colby's
13 September 1974 statement at the Fund for Peace conference to Tom Fenton, in the office of Representative Michael Harrington (D., Mass.), per his request.

25X1 [redacted] **SECRET**

Journal - Office of Legislative Counsel
Wednesday - 2 October 1974

Page 8

SECRET

21. [redacted] Called Hilda Schreiber, OMB, and discussed with her the applicability to CIARDS of the recently passed increase in the annuities of retirees under the Civil Service System prior to October 1969 (P. L. 93-273). I explained that we have been receiving a number of inquiries from CIARDS retirees and I thought [redacted] had perhaps previously discussed this with her. She said she had no specific recollection of any discussion. She could not now clear the adoption of the change for CIARDS without reviewing the specific proposal in detail; however, at this point, informally, she could see no objection. She was quite sure a similar provision is included in the amendments to the Foreign Service Retirement System now pending in Congress. I alerted her that this amendment would be among our amendments to CIARDS which we will be submitting to OMB shortly after the new Congress convenes.

J GEORGE L. CARY
Legislative Counsel

SECRET

cc:
O/DDCI
Ex. Sec.

[redacted]
Mr. Thuermer Mr. Warner
Mr. Lehman [redacted]
EA/DDO DDI DDA DDS&T Comptroller